

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**KEITH LOWE,**

**Plaintiff,**

**v.**

**Civ. Act. No: 2:25cv272  
Judge Thomas Johnston**

**SUPERINTENDENT JOHN FRAME and  
ACTING COMMISSIONER LANCE YARDLEY,**

**Defendants.**

**JOINT MOTION FOR EMERGENCY STATUS CONFERENCE**

COME NOW Plaintiff Keith Lowe, by counsel, and Defendants John Frame and Lance Yardley, by counsel, and jointly request an emergency status conference on a date and time to be determined by the Court. In support of their motion, the parties state as follows:

1. On May 23, 2025, this Court issued its *Memorandum Order & Opinion* requiring Defendants to “effectuate [Plaintiff’s] transfer to a state psychiatric facility.” Dkt. No. 40 at 26.

2. As of today, June 4, 2025, Mr. Lowe remains incarcerated at Mt. Olive Correctional Complex (“MOCC”). He is currently housed on the mental health unit, where he remains housed in an isolation cell for 24 hours a day.

3. Defendant Frame avers that he filed a petition to institute mental hygiene proceedings pursuant to West Virginia Code § 27-5-1 et seq to effectuate transport of the Plaintiff to a state psychiatric hospital in an attempt to comply with the aforesaid *Memorandum Order & Opinion*, after being informed that the Plaintiff would not be admitted to an appropriate state psychiatric facility unless the procedures set forth by statute were satisfied. Defendant Frame further avers that he must provide Mr. Lowe with a final evaluation to effectuate transport.

However, Sharpe Hospital has declined to provide such evaluation, suggesting instead that WVDCR's contractor, PsiMed, perform such assessment. Both parties to this litigation and non-party PsiMed believe evaluation by PsiMed in this situation would be inappropriate.

4. As such, the parties jointly request a status conference to update the Court on Plaintiff's condition and the actions of Defendants; and to seek additional guidance from this Court.

WHEREFORE, for good cause shown, the parties jointly request that the Court schedule an emergency status conference on a date and time to be determined by this Court, in order to ensure compliance with this Court's Order of May 23, 2025.

**Prepared by:**

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